



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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FINAL MINUTES FOR SPECIAL ON-SITE MEETING Held at 1:00 p.m. on September 8, 2004 9535 E. Doubletree Ranch Road • Scottsdale, Arizona

Board Members

Edward J. Schwager, M.D., Chair
Sharon B. Megdal, Ph.D., Vice Chair
Robert P. Goldfarb, M.D., Secretary
Patrick N. Connell, M.D.
Ingrid E. Haas, M.D.
Tim B. Hunter, M.D.
Becky Jordan
Ram R. Krishna, M.D.
Douglas D. Lee, M.D.
William R. Martin III, M.D.
Dona Pardo, Ph.D., R.N.
Chris Wertheim

Board Counsel

Christine Cassetta, Assistant Attorney General
Victoria Mangiapane, Assistant Attorney General

Staff

Barry A. Cassidy, Ph.D., P.A.-C, Executive Director
Barbara Kane, Assistant Director
Beatriz Garcia Stamps, M.D., M.B.A., Board Medical Director
Gary Oglesby, Chief Information Officer
Tina Speight, Public Affairs Coordinator
Susan Ahn, Legal Coordinator

CALL TO ORDER

Edward J. Schwager, M.D., Chair, called the meeting to order at 1:03 p.m.

ROLL CALL

The following Board Members were present: Patrick N. Connell, M.D., Robert P. Goldfarb, M.D., Tim B. Hunter, M.D., Ram R. Krishna, M.D., Douglas D. Lee, M.D., Sharon B. Megdal, Ph.D., Edward J. Schwager, M.D., and Chris Wertheim. The following Board Member arrived late to the meeting: William R. Martin III, M.D. The following Board Members were present telephonically: Ingrid E. Haas, M.D., Becky Jordan, and Dona Pardo, Ph.D., R.N.

CALL TO THE PUBLIC

Statements issued during the call to the public appear beneath the case referenced.

NON-TIME SPECIFIC ITEMS

Executive Director's Performance Evaluation, Salary, Continuation of Employment

Edward J. Schwager, M.D., stated that Barry A. Cassidy, Ph.D., P.A.-C, Executive Director, has resigned from his position as the Arizona Medical Board's Executive Director. Dr. Schwager stated that there is no reason to proceed with the ongoing discussion regarding the Executive Director's performance evaluation. Ram R. Krishna, M.D., expressed disappointment that it has come to this and that the Executive Director has resigned. Sharon B. Megdal, Ph.D., stated that it has been a very difficult process for everyone. She stated that she respects Board Staff and complimented them by stating that everyone has been doing a good job. She clarified that this was not an effort to discredit the work of Board Staff. Dr. Megdal

NON-TIME SPECIFIC ITEMS (Continued)

commented on the letters that the Board Members had received from Board Staff, which suggested that the Board Members had already made up their minds about the Executive Director. She noted that by making such statements Staff had unwittingly accused the Board of violating the Open Meeting Law. Dr. Megdal clarified that the Board had not discussed this matter outside of any Board meeting. Robert P. Goldfarb, M.D., agreed with Drs. Krishna and Megdal. Tim B. Hunter, M.D., gave credit to Dr. Cassidy for a job well done. Dr. Hunter also stated that the Board Members would not and did not violate the Open Meeting Law. Dr. Hunter also stated that the Board is running better now than it has in the past in regards to the quality of the cases. He stated that the Arizona Medical Board is one of the best Board's in the country. He stated that the Board is not independent of politics. Patrick N. Connell, M.D., stated that Dr. Cassidy has brought up a new tenor to the Board investigative process and commented that Dr. Cassidy has made substantial improvements to the process of the Board. He also echoed that his mind was not made up. He encouraged Board Staff to continue the work that Dr. Cassidy has done. Dr. Krishna asked why it had to come to this, especially after hearing the comments of the Board Members today. This is why the Board needs a delineation of duties to prevent this type of situation from happen again and again. Dr. Schwager noted that this has been a difficult process for Dr. Cassidy and Board Staff. Dr. Schwager suggested that the Board should take the steps to move forward and suggested that a special meeting take place. He clarified that Dr. Cassidy's resignation will be in effect no later than December 1, 2004. Dr. Lee questioned if the Board had to accept Dr. Cassidy's letter. Victoria Mangiapane, Assistant Attorney General, clarified that once it was in Dr. Schwager's hands, that it was in effect.

Whether the Puerto Rico Medical Examination is equivalent to the United States Medical Licensing Examination per A.R.S. § 32-1426(A)(2)

Brenda Diaz, Licensing Administrative Supervisor, and Lisa Bruning, Senior Licensing Investigator, reviewed the request with the Board. Edward J. Schwager, M.D., stated that the Board does not have the ability to make this judgment, due to the lack of materials submitted, particularly the Board does not have the Puerto Rico Examination to review. Ram R. Krishna, M.D., stated that he reviewed the information submitted to the Board Members and stated that some individuals who cannot pass the USMLE go to Puerto Rico to take their examination. He stated the United States Medical Licensing Examination (USMLE) or equivalent is fine, but the Arizona Medical Board should not give reciprocity if an applicant cannot pass the USMLE and gets licensed in Puerto Rico. Christine Cassetta, Board Counsel, noted that the former statute required only that an applicant be licensed in another State, territory or foreign country. Based on concerns regarding applicants who were using their Puerto Rico credentials the Board proposed adding the language requiring the Puerto Rico examination be equivalent to USMLE in the last legislative session. The Legislature subsequently enacted the Bill and the law took effect August 25. The new language allows the Board to decide equivalency. She noted that although Staff had repeatedly requested the Puerto Rico examination from the Puerto Rico authorities, it had not been provided. Dr. Cassidy also confirmed this.

MOTION: Tim B. Hunter, M.D., moved to no longer accept Puerto Rico Medical Examination, as it is not equivalent to the USMLE.

SECONDED: Patrick N. Connell, M.D.

VOTE: 11-yay, 0-nay, 0-abstain/recuse, 1-absent

Approval of Minutes

August 11-12, 2004 Meeting Minutes *Including Executive Session for the Executive Director Performance Evaluation*

MOTION: Ram R. Krishna, M.D., moved to approve the August 11-12, 2004 Meeting Minutes *Including Executive Session for the Executive Director Performance Evaluation*

SECONDED: Chris Wertheim

VOTE: 11-yay, 0-nay, 0-abstain/recuse, 1-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC. #	BOARD RESOLUTION
1.	MD-04-L182A	AMB	GEORGE E. BOCK, M.D.	3365	Renewal Refund Request Granted

Lisa Bruning, Senior Licensing Investigator, reviewed this case with the Board. Robert P. Goldfarb, M.D., stated that this is a reasonable request because the Dr. Brock is retired and ill.

MOTION: Robert P. Goldfarb, M.D., moved to refund the renewal fee.

SECONDED: Patrick N. Connell, M.D.

VOTE: 11-yay, 0-nay, 0-abstain/recuse, 1-absent

MOTION PASSED.

NON-TIME SPECIFIC ITEMS (Continued)

NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC. #	BOARD RESOLUTION
2.	MD-03-1086A	AMB	SHIRLEY H. CHOW, M.D.	26564	Proposed Consent Agreement

Edward J. Schwager, M.D., stated that the physician signed the consent agreement, however he questioned the level of discipline. Tim B. Hunter, M.D., agreed with Dr. Schwager. Dr. Hunter stated there were also several other physicians who saw this patient. He stated that from the information presented to the Board, this case does not warrant a Letter of Reprimand. Dr. Hunter recommended that the Board review the x-rays in this case. Patrick N. Connell, M.D., stated that there was a radiologist oncologist also involved. Dr. Connell stated that this does not rise to the level of discipline.

MOTION: Patrick N. Connell, M.D., moved to table this matter until the October 2004 AMB Meeting.

SECONDED: Ram R. Krishna, M.D.

Dr. Schwager stated that the issue in the findings of fact states that the standard of care is to provide the diagnosis. Dr. Schwager suggested revising this. Dr. Schwager clarified what the Letter of Reprimand was for. He stated that this case be adjudicated today. Dr. Hunter and Ram R. Krishna, M.D., suggested an Advisory Letter or dismissal.

MOTION: Patrick N. Connell, M.D., table this matter at the October 2004 AMB Meeting for further review to discuss the consent agreement an Advisory Letter or dismissal of this case.

SECONDED: Ram R. Krishna, M.D.

VOTE: 11-yay, 0-nay, 0-abstain/recuse, 1-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC. #	BOARD RESOLUTION
3.	MD-03-L152A	L.I.	BRIAN D. SANDRIDGE, M.D.	N/A	Deny Application for Licensure

Stephen Wolf, Assistant Attorney General, recommended that the Board adopt the Administrative Law Judge's recommendation.

MOTION: Ram R. Krishna, M.D., moved to adopt findings of fact and conclusions of law as written.

SECONDED: Douglas D. Lee, M.D.

Christine Cassetta, Board Counsel, informed the Board of an error in Conclusions of Law number 2. She stated that the Administrative Code should be A.A.C. R2-19-119(B)(1).

VOTE: 11-yay, 0-nay, 0-abstain/recuse, 1-absent

MOTION PASSED.

MOTION: Sharon B. Megdal, Ph.D., moved to adopt the Order as recommended and dismiss the appeal and uphold the denial of licensure.

SECONDED: Tim B. Hunter, M.D.

ROLL CALL VOTE was taken and the following Board members voted in favor of the motion: Patrick N. Connell, M.D., Robert P. Goldfarb, M.D., Ingrid E. Haas, M.D., Tim B. Hunter, M.D., Becky Jordan, Ram R. Krishna, M.D., Douglas D. Lee, M.D., Sharon B. Megdal, Ph.D., Dona Pardo, Ph.D., R.N., Edward J. Schwager, M.D., and Chris Wertheim. The following Board member was absent when this matter was considered: William R. Martin III, M.D.

VOTE: 11-yay, 0-nay, 0-abstain/recuse, 1-absent

MOTION PASSED.

Meeting adjourned at 1:43 p.m.

[seal]

Barry A. Cassidy, Ph.D., P.A.-C, Executive Director